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**To:** <aclarke@fppc.ca.gov>  
**Date:** 3/10/08 8:49AM  
**Subject:** Local Campaign Ordinance

Hello Ashley, the City of Lemon Grove's local campaign ordinance has not changed and is the same as you have listed on the document you sent. That section of the municipal code is below, just in case you need it again.

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December 1984

Chapter 9.08 ELECTION CAMPAIGN FINANCE AND CONTROL

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08&showAll=1&frames=on#startContent#startContent](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08&showAll=1&frames=on#startContent#startContent)>

9.08.010 Purpose of provisions.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_010&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_010&frames=on)>

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the city council in enacting this chapter to preserve an orderly political forum in which individuals may express themselves effectively, to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in city elections; to limit the use of loans and credit in the financing of city election campaigns; and to provide full and fair enforcement of all the provisions of this chapter. (Ord. 107 (part), 1984)

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9.08.020 Definitions.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_020&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_020&frames=on)>

When used in this chapter, the following words and terms, unless the text indicates a different meaning, shall be interpreted as follows:

A. "Candidate" means an individual who is listed on the ballot, who has qualified to have write-in votes on his behalf counted by election officials, or who has begun to circulate nominating petitions or authorized others to circulate nominating petitions on his or her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective city office, whether or not the specific office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any holder of an elective city office who is the subject of a recall election. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

B. "Committee" means any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, including any committee or subcommittee of a political party, whether national, state or local, if:

1. Contributions received total five hundred dollars or more in a calendar year;

2. Expenditures and contributions made, other than contributions described in subdivision 3 of this subsection total five hundred dollars or more in a calendar year; or

3. Contributions of cash, checks and other cash equivalents paid directly to candidates and committees total five thousand dollars or more in a calendar year.

C. "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that a full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee, or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events; a candidate's own money or property used on behalf of his candidacy; the granting of credit in the normal course of business, the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

The term "contribution" further includes any payment received by a committee from another committee.

The term "contribution" does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution.

The term "contribution" does not include an independent expenditure.

The term "contribution" does not include the cost of an event held in honor or behalf of a candidate or committee when the total cost of the event amounts to no more than two hundred dollars and when the event is not held for the purpose of obtaining contributions to the candidate or committee.

Notwithstanding the foregoing definition, the term "contribution" shall not include volunteer personal services or payments made by any individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him. Further, the term "contribution" shall not include an independent expenditure.

D. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

E. "City election" means any primary, general, or special election, including recall election, held within the city of Lemon Grove for elective city office. Each primary, general or special election is a separate election for purposes of this chapter.

F. "Elective city office" means member of the city

council.

G. "Enforcement authority" means the city attorney. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

H. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

I. "Independent expenditure" means an expenditure by a person for a communication expressly advocating the support of or opposition to a clearly

identified candidate or measure which is not made with the cooperation or with the prior consent of, a candidate or his agent or a controlled committee of a candidate.

J. "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

K. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, and any other organization or group of persons acting in concert. (Ord. 107 (part), 1984)

#### 9.08.030 Campaign contributions.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_030&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_030&frames=on)>

A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposite to such candidate, to exceed two hundred and fifty dollars.

B. Extensions of credit for a period of more than thirty days are prohibited. Extensions of credit of more than two hundred fifty dollars are prohibited. Provided, however, a candidate may personally borrow an unlimited amount and such funds shall be considered a contribution by the candidate himself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.

C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns or otherwise.

D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city treasurer for deposit in the general fund of the city. (Ord. 107 (part), 1984)

#### 9.08.040 Anonymous contributions.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_040&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_040&frames=on)>

Total anonymous contributions to a candidate or committee which exceed in the aggregate two hundred dollars with respect to a single election shall not be used by the candidate or committee for whom it was intended. To the extent that total anonymous contributions exceed two hundred dollars, the excess shall be paid promptly, from available campaign funds, if any, to the city treasurer for deposit in the general funds of the city, unless required to be paid to the secretary of state pursuant to Section 84304 of the Government Code. (Ord. 107 (part), 1984)

9.08.050 Enforcement authority.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_050&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_050&frames=on)>

A. The enforcement authority shall enforce the provisions of this chapter.

B. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the enforcement authority. If the enforcement authority determines that there is reason to believe a violation of this chapter has occurred, it shall make an investigation. Whenever the enforcement authority has reason to believe a willful violation of this chapter has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

C. The enforcement authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this chapter and may demand and be furnished records of campaign contributions and expenses at any time.

D. The enforcement authority shall determine whether required statements and declarations have been filed as required, and, if so, whether they conform with the requirements of this chapter. (Ord. 107 (part), 1984)

9.08.060 Violation-Penalty.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_060&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_060&frames=on)>

Any person who knowingly or willfully violates any of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, shall be punishable by a fine of not less than five hundred dollars. (Ord. 107 (part), 1984)

9.08.070 Rules of construction.

<[http://qcode.us/codes/lemongrove/view.php?topic=9-9\\_08-9\\_08\\_070&frames=on](http://qcode.us/codes/lemongrove/view.php?topic=9-9_08-9_08_070&frames=on)>

This chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the city to control campaign contributions and expenditures shall avoid the effect of this chapter. (Ord. 107 (part), 1984)

Susan Garcia